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May 16, 2008

**VIA FEDERAL EXPRESS**

Ms. Stephanie Stumbo  
Executive Director  
Public Service Commission  
211 Sower Boulevard  
P. O. Box 615  
Frankfort, KY 40602

**RECEIVED**

**MAY 19 2008**

**PUBLIC SERVICE  
COMMISSION**

Re: dPi Teleconnect, LLC v. BellSouth Telecommunications, Inc.  
KPSC 2005-00455

Dear Ms. O'Donnell:

Enclosed for filing in the above-referenced case are the original and four (4) copies of AT&T Kentucky's Supplemental Response to Item No. 17 of dPi's First Set of Requests for Information.

All attachments to the supplemental response to Item No. 17 are confidential, and pursuant to 807 KAR 5:001; § 7, AT&T Kentucky files herewith its Petition for Confidentiality requesting that the Commission afford confidentiality to that material.

The attachments are being provided to the PSC on CD. No edited copies of the attachments will be provided. The proprietary information is being provided to parties of record pursuant to a previously executed Protective Agreement.

Thank you for your attention to this matter.

Sincerely,

Mary K. Keyer  
General Counsel/Kentucky

Enclosures

cc: Parties of Record

711464

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED  
MAY 19 2008  
PUBLIC SERVICE  
COMMISSION

In Re:

dPi Teleconnect, LLC )  
Complainant )  
v. )  
BellSouth Telecommunications, Inc. )  
Defendant )  
\_\_\_\_\_ )

Case No. 2005-00455

BELLSOUTH TELECOMMUNICATIONS, INC.'S  
PETITION FOR CONFIDENTIALITY

Petitioner BellSouth Telecommunications, Inc., d/b/a AT&T Kentucky ("AT&T Kentucky"), by counsel, hereby moves the Public Service Commission of the Commonwealth of Kentucky (the "Commission"), pursuant to KRS 61.878 and 807 KAR 5:001, § 7, to classify as confidential all the information contained in AT&T Kentucky's Supplemental Responses to Item No. 17 to dPi's First Set of Requests for Information. The material responsive to Item No. 17 contains information that is personal customer information or specific to dPi Teleconnect, LLC ("dPi"), or AT&T in the conduct of their business with each other.

The Kentucky Open Records Act exempts certain information from the public disclosure requirements of the Act, including information of a personal nature, certain commercial information, and also information the disclosure of which is prohibited by federal law or regulation. KRS 61.878(1)(c)1 and 61.878(1)(a)(k).

To qualify for the personal information exemption and, therefore, keep the information confidential, a party must establish that it is “information of a personal nature where the public disclosure would constitute a clearly unwarranted invasion of personal privacy....” KRS 61.878(1)(a); 807 KAR 5:001 § 7. The documents being provided in response to Request No. 17 of AT&T Kentucky’s Supplemental Response to dPi’s First Set of Requests for Information contain customer specific information by account and by month, the billing activity of dPi, one of AT&T’s customers. The information identified in this response is personal information the disclosure of which would “constitute a clearly unwarranted invasion of personal privacy,”<sup>1</sup> and should be protected as confidential.

To qualify for the commercial information exemption and, therefore, keep the information confidential, a party must establish that disclosure of the commercial information would permit an unfair advantage to competitors if openly discussed. KRS 61.878(1)(c)1; 807 KAR 5:001 § 7. The Commission has taken the position that the statute and rules require the party to demonstrate actual competition and the likelihood of competitive injury if the information is disclosed.

All of the information for which AT&T Kentucky seeks confidentiality in this petition contains customer-specific information, specifically, information regarding customer specific account information, or commercial information for which the disclosure of such would permit an unfair advantage to competitors.

The Commission should also grant confidential treatment to the information for the following reasons:

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<sup>1</sup> *Kentucky Bd. Of Examiners v. Courier-Journal*, 826 S.W.2d 324, 327 (Ky. 1992).

(1) The information for which AT&T Kentucky is requesting confidential treatment is not known outside of AT&T;

(2) The information is not disseminated within AT&T Kentucky and is known only by those of AT&T Kentucky's employees who have a legitimate business need to know and act upon the information;

(3) AT&T Kentucky seeks to preserve the confidentiality of this information through appropriate means, including the maintenance of appropriate security at its offices; and

(4) By granting AT&T Kentucky's petition, there would be no damage to any public interest.

For the reasons stated herein, the Commission should grant AT&T Kentucky's request for confidential treatment of the identified information.

Respectfully submitted,

  
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(404) 335-0710

COUNSEL FOR BELL SOUTH  
TELECOMMUNICATIONS, INC.,  
D/B/A AT&T KENTUCKY

**CERTIFICATE OF SERVICE – 2005-00455**

It is hereby certified that a true and correct copy of the foregoing was served on the following individuals by mailing a copy thereof, this 16th day of May, 2008.

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\_\_\_\_\_  
Mary K. Keyer

REQUEST: For each of the reasons identified as a reason why dPi Teleconnect, LLC, was not eligible for a particular credit in response to RFI 1-15, please identify the total dollar amount of credits applied for but denied for the particular reason given.

RESPONSE: This information is proprietary and confidential and is being provided subject to the nondisclosure agreement executed in this proceeding.

**ATTACHMENTS TO AT&T KY'S  
SUPPLEMENTAL RESPONSE TO ITEM NO. 17  
OF DPI'S FIRST SET OF REQUESTS FOR INFORMATION  
ARE PROPRIETARY**

**THERE IS NO EDITED COPY**